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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,262	10/31/2003	Ingo Aust	080404.52841US	9208

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/697,262

Applicant(s)

AUST ET AL.

Examiner

Basil Katcheves

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/21/04, 10/31/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 10 is objected to because of the following informalities: "at least one the" in line 1 appears to have a typographical error. Appropriate correction is required.

Claims 13-19 are objected to for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of single-shell and double-shell is not clear. The claims are being examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 13, 14, 16, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,920,920 to Couse et al.

Regarding claims 1 and 21, Couse discloses a container having a base container (fig. 1) with a floor and roof, and box shaped expansion elements (fig. 3: both sides) which expand from the base element, an expansion element, when extended, has a floor panel which is level with the base container floor panel (fig. 8: see right side). Also, the roof panel is foldable from a horizontal axis to a vertical and horizontal axis.

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Regarding claim 2, Couse discloses at least two expansion units that extend in opposite directions (outward from base unit), the expansion elements can be folded into one unit.

Regarding claim 4, Couse discloses supplementary surface elements forming areas between the side and roof panels which are closed off to close the inside from the outside (fig. 8: see additional panels between roof and sides 30, 42).

Regarding claim 5, Couse discloses the supplementary elements as foldable along an upper edge of a panel (30).

Regarding claim 7, Couse discloses an inherent rigidity in the roof panel since it must be rigid in order to act in the manner for which it is intended for.

Regarding claims 13, 14 and 16, discloses the supplementary surfaces as single-shell (having one shell).

Regarding claim 20, Couse discloses a building which is inherently capable of acting as a work room.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 8-12, 15, and 17-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,920,920 to Couse et al. in view of U.S. Patent No. 2,765,499 to Couse.

Regarding claims 3, 6, 8, 9, 11, and 12, '920 does not disclose the use of flexible seals. '499 discloses a folding structure which uses foldable seals (column 3, lines 11-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '920 by using seals, as disclosed by '499, in order to prevent moisture from entering the structure and since seals are commonly used in building construction for sealing joints. It would be an obvious design choice to use these seals in any place where an opening exists and which may allow moisture to enter the units.

Regarding claim 10, claim 10 is rejected for reasons cited in the rejection of claim 9. In addition, since the seal of '499 is flexible and used on a folding structure, it would inherently stretch when folded.

Regarding claim 15, and 17-19, Couse discloses the supplementary elements as being single shelled (having one shell).

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to folding structures in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack, can be reached at (571) 272-6848.

BK


Basil Katcheves

1/3/07

Examiner AU 3635